

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DEREK MITCHELL : CIVIL ACTION NO.: 05-1192
VERSUS : JUDGE: STAGG
RAY HANSON, ET AL. : MAGISTRATE JUDGE: HORNSBY

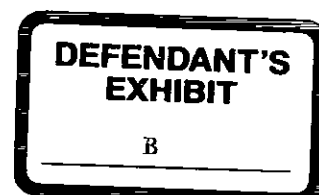
AFFIDAVIT

PARISH OF Claiborne

STATE OF LOUISIANA

I, **JUDY LOFTON**, the undersigned affiant, having first been duly sworn, did depose and state under oath the following:

1. That I am currently employed by the State of Louisiana, through the Department of Public Safety and Corrections, as an Accounting Specialist II at David Wade Correctional Center in Homer, Louisiana. I have been employed as an Accounting Specialist II for almost eight (8) years.
2. That as an Accounting Specialist II, I am familiar with the procedure with regard to handling legal documentation submitted for mailing by inmates housed at David Wade Correctional Center. My duties require me to receive the legal mail submitted for mailing by the inmate; weigh the legal mail for correct postage; and verify that the inmate has adequate funding in his inmate account to cover payment for the amount of postage due. The legal mail is then forwarded to the mail room for the correct postage to be placed on the legal mail before the legal mail is forwarded from David Wade Correctional Center to the United States Post Office.
3. That the affiant is also the Custodian of the record log book for legal documentation submitted for certified mailing by inmates housed at David Wade Correctional Center.



4. At the request of the Attorney General's Office, I have reviewed the accounting records for any *Inmate Funds Withdrawal Request* forms submitted by inmate Derek Mitchell, DOC# 308448, with regard to legal mail between May 24, 2007 and July 12, 2007. Furthermore, I have reviewed the inmate bank account of inmate Derek Mitchell, DOC# 308448, for withdrawals made for the payment of legal mail between May 24, 2007 and July 12, 2007. After said review, I assert the following:

- a. That inmate Derek Mitchell was an inmate housed at the David Wade Correctional Center between May 24, 2007 and July 12, 2007.
- b. That during the period between May 24, 2007 and July 12, 2007, the affiant located only one *Inmate Funds Withdrawal Request* submitted by inmate Derek Mitchell. Inmate Derek Mitchell submitted the *Inmate Funds Withdrawal Request* for mailing legal documentation to the United States Fifth Circuit Court of Appeals via certified mail. A copy of said *Inmate Funds Withdrawal Request* is attached hereto.
- c. Inmate Derek Mitchell did not complete the section titled "Date of Request" on the *Inmate Funds Withdrawal Request*. Therefore, at the top of the *Inmate Funds Withdrawal Request* submitted by inmate Derek Mitchell, the affiant wrote "received & processed 07-09-07 JgL" on the date that she received the paperwork from inmate Mitchell.
- d. That David Wade Correctional Officers verified that the *Inmate Funds Withdrawal Request* was being submitted by inmate Derek Mitchell by obtaining both his signature and his right thumb print on the *Inmate Funds Withdrawal Request*.

e. That affiant received and processed the legal documentation with the *Inmate Funds Withdrawal Request* of inmate Derek Mitchell on July 9, 2007. On July 9, 2007, inmate Derek Mitchell was charged the amount of FIVE AND 38/100 (\$5.38) DOLLARS for the mailing of the certified mail package to the United States Fifth Circuit Court of Appeals. On July 10, 2007, the amount of FIVE AND 38/100 (\$5.38) DOLLARS was placed in the computer to be withdrawn from the inmate bank account of inmate Derek Mitchell to cover the payment of postage for legal mail submitted by inmate Derek Mitchell for certified mailing.

f. That because the legal documentation submitted by inmate Derek Mitchell was mailed to the United States Fifth Circuit Court of Appeals via certified mail, the affiant, as the Custodian of the record log book for certified mail, was responsible for logging in the certified mailing on behalf of inmate Derek Mitchell to the United States Fifth Circuit Court of Appeals.

g. That the affiant made the following entry on page 35 of the record log book for certified mail with regard to inmate Derek Mitchell's package to the United States Fifth Circuit Court of Appeals: "07-09-07 D. Mitchell 308448 (5th Circuit U.S.CofA) 5.38 7004 2510 0007 2385 5476". A copy of page 35 of the record log book for certified mail is attached hereto. The affiant also placed the aforementioned certified mail number on the *Inmate Funds Withdrawal Request* submitted by inmate Derek Mitchell in connection with the mailing of his legal documentation to the United States Fifth Circuit Court of Appeals.

h. That as an Accounting Specialist II who has received and processed legal mail submitted by inmates housed at David Wade Correctional Center for almost eight (8) years, and based on the attached documentation, affiant states that the legal

documentation submitted by inmate Derek Mitchell for mailing to the United States Fifth Circuit Court of Appeals was received and processed within the normal time period for receiving and processing inmate legal mail, which is approximately two (2) to three (3) days.

The above facts are true and correct to the best of my knowledge, information and belief.

WITNESSES:

Karen Bays
SIGNATURE

Judy Lofton
JUDY LOFTON

Karen Bays
PRINT

Betty J. Harris
SIGNATURE

Betty J. Harris
PRINT

SWORN TO AND SUBSCRIBED before me this 29th day of November, 2007,

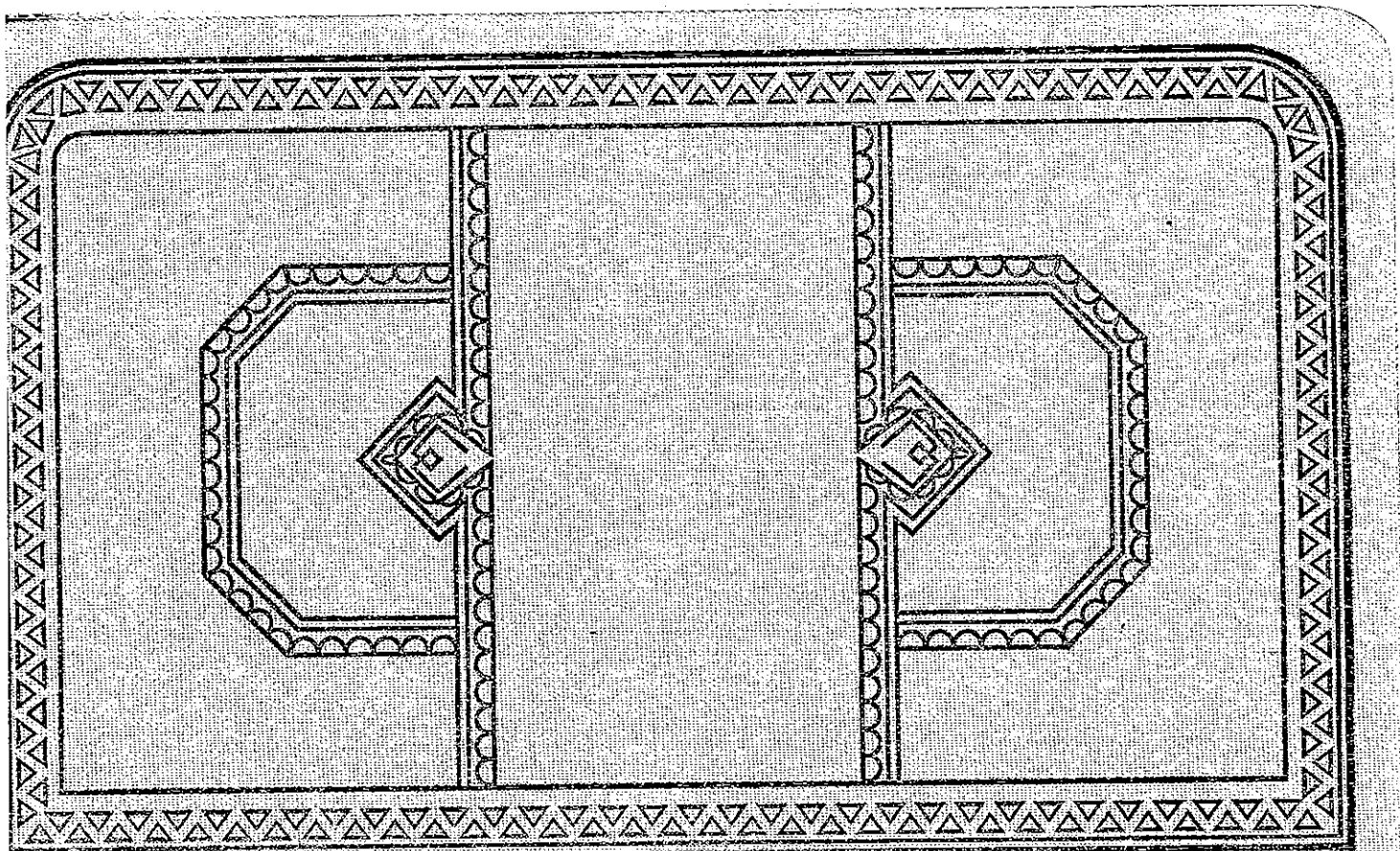
Homer, Louisiana.

Kelly Carpenter
NOTARY PUBLIC

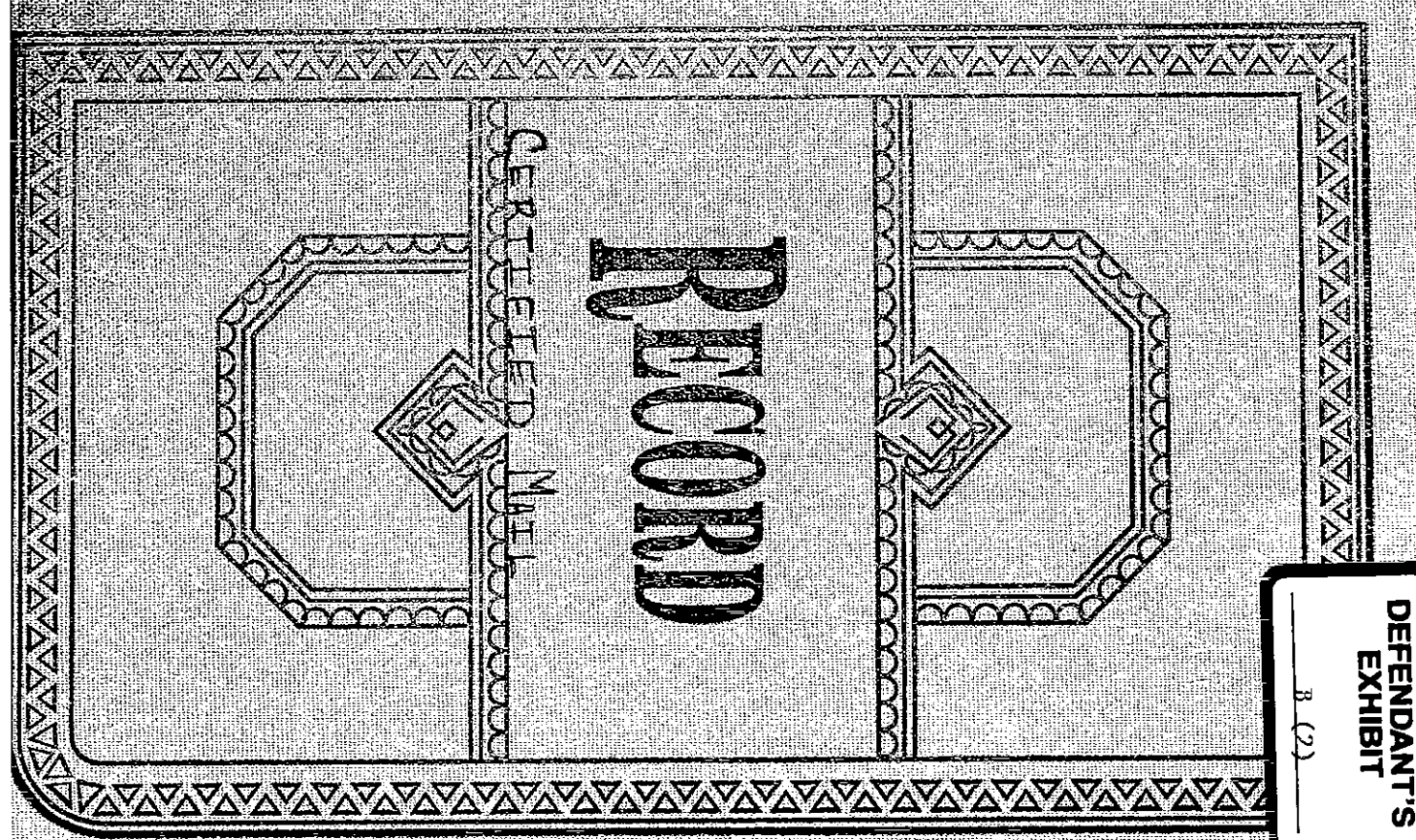
Kelly Carpenter, Notary Public
Claiborne Parish, Louisiana
My Commission is for Life
#67368

Mailed: _____
received & processed 07-09-07 JCL

CODE		DRAWING ACCOUNT
73	<input type="checkbox"/>	Inmate club 5th Circuit U.S. Court of Appeals Clerk of Court
74	<input type="checkbox"/>	Outside purchase 600 Comp Street New Orleans LA 70130
	<input type="checkbox"/>	Family member
	<input type="checkbox"/>	Educational courses
	<input type="checkbox"/>	Outside bank savings acct#
	<input checked="" type="checkbox"/>	Newspaper ad for clemency/pardon Other: <u>CERTIFICATION OF LETTER RECENT COSTS</u>
79	<input type="checkbox"/>	Court Cost - Civil action number <u>7004 8510 0007 8385 5476</u>
94	<input type="checkbox"/>	Savings Bond
1-2oz legal letter sent certified with return receipt		
CODE SAVINGS ACCOUNT		
94	<input type="checkbox"/>	Savings Bond
79	<input type="checkbox"/>	Court cost - Civil action number
82	<input type="checkbox"/>	Educational courses
CODE TRANSFERS - No check will be produced		
68T	<input type="checkbox"/>	Transfer from drawing account to savings.
Note: Print name and address in the payee section to the right. Attach necessary documents including a stamped, self-addressed envelope for all outside mail.		
DOC NUMBER		NAME: LAST NAME, FIRST NAME, INITIAL
LIVING QUARTERS		DATE OF REQUEST
MO. DAY YEAR		TOTAL AMOUNT \$
WRITTEN AMOUNT		DOLLARS
PAYEE:		
VENDOR NO.	INMATE MUST ATTACH A STAMPED, ADDRESSED ENVELOPE FOR ALL OUTSIDE MAIL	
NAME		
ADDRESS		
CITY	STATE	ZIP
INMATE SIGNATURE:		
REQUEST DENIED. REASON:		
RIGHT THUMB PRINT		
VERIFIED BY:		
TITLE:		
APPROVED BY:		
TITLE:		



150 | 65 R | Certified Mail



DEFENDANT'S
EXHIBIT
B (2)

01-22-01 J. Taylor 449707 (Doug Welborn, Clerk) 3.35 7003 1680 0004 1814 6850	04-13-01 F. Augustine 106553 (Jath JDC Clerk) 5.12 7004 2510 0007 2385 5339
01-26-01 R. Shmson 433686 (Bethy Gomes) 4.64 7003 1680 0004 1814 6850	04-16-01 Inmate Banking (Avoelles CC) 5.12 7004 2510 0007 2385
03-08-01 H. Leonard 453279 (W. Robert Gill) 5.84 7003 1680 0004 1814 6850	04-18-01 H. Leonard 453279 (Katie Schwartzman) 4.88 7004 2510 0007 2385 5336
" T. Smith 389356 (Lavelle Solomon) 4.64 7003 1680 0004 1814 6850	" (Nelson Cameron) 4.88 7004 2510 0007 2385 5333
" (Edmond Kriley Jr) 4.64 7003 1680 0004 1814 6850	04-19-01 G. Ethridge 355393 (Ronald Michio) 4.64 7004 2510 0007 2385 5330
03-12-01 J. West 184840 (LA Parole Board) 8.45 7003 1680 0004 1814 6850	" R. Casey 309174 (U.S. Att. General) 4.88 7004 2510 0007 2385 5347
03-15-01 H. Beckham 351558 (Onassis Civil Dist) 6.08 7003 1680 0004 1814 6850	" (Charles Foti) 4.88 7004 2510 0007 2385 5354
" A. Barroso 109444 (Peter Fitzgerald Clerk) 6.08 7003 1680 0004 1814 6850	T. Smith 389356 (Doug Welborn) 5.12 7004 2510 0007 2385 5361
03-19-01 J. Silvan 436609 (Counington P.D.) 4.25 7003 1680 0004 1814 6850	A. Brown 434571 (Board of Vet. Appeals) 7.00 7004 2510 0007 2385 5278
" (ASI Fed Credit L.) 4.25 7003 1680 0004 1814 6850	" (Hon. Ralph Tureau) 4.64 7004 2510 0007 2385 5385
03-21-01 E. Mire 261364 (ACLU of LA) 5.84 7003 1680 0004 1814 6850	J. Webb 39706 (James Rothman) 5.12 7004 2510 0007 2385 5378
03-26-01 H. Leonard 453279 (Nelson Cameron) 6.20 7003 1680 0004 1814 6850	P. Chandler 080204 (Aeth JDC CoF C) 5.94 7004 2510 0007 2385 5308
03-01-01 T. Smith 389356 (Willy Martin Jr.) 4.64 7003 1680 0004 1814 6850	" (John Syber Mann) 5.94 7004 2510 0007 2385 5315
" (Kelly & Kelly LLP) 4.64 7003 1680 0004 1814 6850	R. Casey 309174 (Henry Bernsten) 5.94 7004 2510 0007 2385 5322
03-06-01 L. Cookrell 478938 (Tyrene Cookrell) 4.64 7003 1680 0004 1814 6850	" (Kibby Kelly) 5.94 7004 2510 0007 2385 5339
" A. Mumin 081024 (C. Jagneaux) 4.64 7003 1680 0004 1814 6850	J. Cook 291543 (Diana Pratt-Wright) 5.38 7004 2510 0007 2385 5346
" D. Felder 442056 (U.S. Dist Court) 5.36 7003 1680 0004 1814 6850	D. Aultenberry 473413 (U.S. Dist Court Monroe) 4.99 7004 2510 0007 2385
03-04-01 G. Ethridge 355393 (Stephen Gordon) 4.25 7003 1680 0004 1814 6850	Maintenance Dept. (Seon Nolan (OPH)) 5.94 7004 2510 0007 2385 5360
" J. Cook 291543 (Bill Hodge CoF C) 4.64 7003 1680 0004 1814 6850	J. Cook 291543 (John T. Oliver, Clerk) 10.50 7004 2510 0007 2385 5377
03-15-01 G. Ethridge 355393 (James Calhoun) 4.64 7003 1680 0004 1814 6850	A. Brown 439457 (1st Circuit CoFA) 9.70 7004 2510 0007 2385 5384
03-16-01 A. Barroso 109444 (LA State Supreme C.) 8.45 7003 1680 0004 1814 6850	" (Donald Candell DA) 9.40 7004 2510 0007 2385 5391
03-20-01 H. Leonard 453279 (Nelson Cameron) 5.12 7003 1680 0004 1814 6850	R. Hudson 106115 (Doug Moreau, DA) 5.31 7004 2510 0007 2385 5407
03-21-01 R. Casey 309174 (Hgt. Collins PHD) 5.36 7003 1680 0004 1814 6850	W. Smith 494594 (Clerk of Court) 6.28 7004 2510 0007 2385 5414
" (Stephen Callaway) 5.60 7003 1680 0004 1814 6850	B. Wells 153610 (Vicki Holzhauser) 4.80 7004 2510 0007 2385 5421
03-28-01 J. Cook 291543 (Zad C. Court of A) 4.88 7003 1680 0004 1814 6850	B. Harman 295788 (17th JDC Clerk) 6.11 7004 2510 0007 2385 5438
03-29-01 J. Taylor 459109 (R. Skemmel Clerk) 6.50 7003 1680 0004 1814 6850	W. Clark 121208 (FBI Washington DC) 6.28 7004 2510 0007 2385 5445
" D. Mcnemy 331013 (Black Men Pub) 4.25 7003 1680 0004 1814 6850	E. Matthews 130544 (U.S. District C NO.) 10.40 7004 2510 0007 2385
04-03-01 A. Brown 439457 (33rd JDC CoF C) 2.79 7003 1680 0004 1814 6850	L. Brown 346287 (19th JDC Clerk) 9.40 7004 2510 0007 2385 5469
04-04-01 L. Cox 301103 (Eric Johnson) 2.79 7003 1680 0004 1814 6850	D. Mitchell 308448 (5th Circuit U.S. CoFA) 5.38 7004 2510 0007 2385 5476
" (Dale Montgomer) 2.79 7004 2510 0007 2385 5481	Maintenance Dept. (DEC Permit Compliance) 5.21 7004 2510 0007 2385
04-09-01 D. Mitchell 308448 (Laura White) 6.50 7004 2510 0007 2385 5483	" (Tom Harclaw) 5.21 7004 2510 0007 2385
04-10-01 Maintenance Dept. (DEC Permit Compliance) 4.64 7004 2510 0007 2385	G. Wallace 093493 (Charles R. Fulbruggell CoF C) 4.80 7004 2510 0007 2385
" (Tom Harclaw) 4.64 7004 2510 0007 2385	J. Cook 291543 (J.T. Oliver, Clerk) 2.94 7004 2510 0007 2385 5573
04-11-01 J. Cook 291543 (Diana Pratt-Wright) 8.45 7004 2510 0007 2385	P. Chandler 080204 (Doug Welborn CoF C) 6.11 7004 2510 0007 2385 5580
" 2.25 5186 27.31 07	R. Mumin 496994 (Rimides, Polish, Col. Cl. 4.5 7004 2510 0007 2385 5597